

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAVID K. PORATH,

Plaintiff,

-v-

CITY OF NEW YORK, DIRECTOR, BELLEVUE
SHELTER SYSTEM, and N.Y.S. PAROLE OFFICER
AKANEME,

Defendants.

CIVIL ACTION NO.: 22 Civ. 1302 (JPC) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge:

The Court is in receipt of pro se Plaintiff David K. Porath's December 27, 2022 letter notifying the Court of his new address and requesting (i) "a status update," (ii) courtesy copies of the docket sheet, his Complaint (ECF No. 2), and Amended Complaint (ECF No. 14) (the "Courtesy Copies"), (iii) an order directing Defendants to respond to his Amended Complaint, (iv) a "hearing" to discuss his request for a "totally different parole officer to report to" (the "Hearing"). (ECF No. 36). The Court notes that the Clerk of Court has processed Plaintiff's request for the Courtesy Copies. (See ECF min. entry Jan 5, 2023; ECF min. entries Jan 6, 2023).

Plaintiff is advised that, on November 22, 2022, the Court recommended that his Amended Complaint be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) for his failure to prosecute. (ECF No. 33 (the "Report and Recommendation")). The Report and Recommendation remains pending before the Honorable John P. Cronan. Accordingly, Plaintiff's request for an order directing Defendants to respond to the Amended Complaint is DENIED without prejudice.

Plaintiff's request for the Hearing is also DENIED without prejudice. See Robinson v. Pagan, No. 05 Civ. 1840 (DAB), 2006 WL 3626930, at *6 (S.D.N.Y. Dec. 12, 2006) (“[C]onditions of parole are discretionary and not subject to judicial review in the absence of a showing that the board or its agents acted in an arbitrary or capricious manner.”) (citing Pena v. Travis, No. 01 Civ. 8534 (SAS), 2002 WL 31886175, at *2 (S.D.N.Y. Dec. 27, 2002)); see also Rodriguez v. N.Y. State Dep’t of Parole, No. 19 Civ. 643 (VEC) (JLC), 2019 WL 6973568, at *9 (S.D.N.Y. Dec. 20, 2019), adopted by, 2020 WL 257420 (S.D.N.Y. Jan. 17, 2020).

The Clerk of Court is respectfully directed to mail a copy of this order and the Report and Recommendation (ECF No. 33) to Plaintiff.

Dated: New York, New York
January 9, 2023

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge